IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

INCOME TAX APPLICATION No.2 of 2002.

The Commissioner of I.T. Applicant.

Vs.

Banque National De Paris Respondent.

Mr B. M. Chatterjee dwith Mrs P. P. Bhosale for the applicant.

Mr H. Toor i/b Cr. Bayley & Co. for the Respondent.

CORAM:DR.S. RADHAKRISHNAN AND V.C. DAGA,JJ.
DATED:25TH JUNE, 2007.

P.C.:-

1. Heard the learned counsel for the applicant and the learned counsel for the respondent.

2. The application pertains to the assessment order of 1978-79 seeking reference of the following question of law:-

> "Whether on the facts and in the circumstances of the case, the Tribunal was right in law holding that the net amount of interest received from Government or local authority or any Indian concern would be excluded from chargeable profits and consequently allowing the same under Section 1 (x) of the Sur Tax Act, 1964?"

3. By this application the petitioner

requested that a statement of the case be drawn up and the question of law stated above be raised and referred for the consideration before this Court.

4. By consent of parties, this application itself is treated as the statement of the case. Both the learned counsel fairly state that issue is squarely covered by judgment of the Hon'ble Supreme Court in **C.I.T. v. Banque Nationale De Paris, 225 I.T.R. 1.** Hence the above question is answered in favour of the Revenue and against the assessee. The reference is accordingly disposed of.

(V.C. DAGA,J.) **(DR.S. RADHAKRISHNAN,J.)**